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LETTER DATED 7 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

If the Security Council is to give positive consideration to any claims of support for the peace process by Serbian-Montenegrin authorities, it must be, as a minimum, accompanied by measures indicating more than a cosmetic or opportunistic backing.

A recent, 29 August 1994, official press release of the Yugoslav (Serbia-Montenegro) Mission to the United Nations is only one clear indication of the contradictory signals coming from Belgrade. None the less, because it was distributed within the confines of the United Nations, it must serve to alert the Council not to be coerced into action by wishful thinking and the parochial political objectives of some powerful members in the Council.

The press release cites a declaration by the National Assembly of the Republic of Serbia on 26 August 1994, which reveals a continuing process and an attempt to complete the two years of aggression against the Republic of Bosnia and Herzegovina. That document disputes the legal existence of Bosnia and Herzegovina and refers only to the "former Bosnia and Herzegovina". It advocates the adoption of the Contact Group's peace plan on the basis of the following:

> "The Republic of Srpska is guaranteed the right immediately to form confederal ties with the federal republics of Yugoslavia and, at the international level, to legalize the process of economic, political, cultural, information and other forms of integration among the Serbian people."

The declaration continues by proposing that the formal rejection of the peace plan by the Karadzic forces "jeopardizes all results achieved to date" (presumably through ethnic cleansing and aggression), while supporting the notion that endorsement of the plan is a means for the Karadzic Serbs to "obtain an internationally recognized right to new forms of statehood and an adjustment of the proposed territorial and constitutional solutions".

We must wonder if it is in fact the Contact Group's peace plan that the National Assembly of the Republic of Serbia endorses. An objective reading of

the declaration reveals only that the position of the Assembly is that the Republic of Bosnia and Herzegovina has been eliminated and dismantled, while the "Republic of Srpska", as part of a greater Serbian nation, has assumed international legitimacy.

Clearly, the position of Serbia/Montenegro with respect to the Contact Group's plan and the overall peace process can be characterized, at best, as inconsistent. If effectively acknowledges past aggression, legitimizes the means of war waged against the Republic of Bosnia and Herzegovina, including ethnic cleansing and genocide, and leaves open future coordination with the Karadzic forces leading to the complete dismantling of the Republic of Bosnia and Herzegovina and the violation of its sovereignty and territorial integrity.

It is therefore only reasonable, and in fact obligatory, for the Contact Group and the Security Council, before any favourable consideration is given to words of endorsement, to truly ascertain the commitment of Serbia/Montenegro to the peace process by:

(a) Serbia/Montenegro fulfilling the terms of Security Council resolution 838 (1993) by finally allowing for the mandated deployment of the proper number and quality of international observers from a cross-section of countries. Equally important, the observers should not be deployed in such a manner (or even deployed at all) if such action would be deemed an impediment to further measures by the Contact Group and measures available to the Security Council;

(b) Serbia/Montenegro must recognize the Republic of Bosnia and Herzegovina, as well as the other internationally recognized republics of the former Yugoslavia. After all, the Contact Group's peace plan is embedded on the foundation of the sovereign and internationally recognized Republic of Bosnia and Herzegovina within its currently defined international borders. An acceptance of the Contact Group's peace plan can be genuine only if the Republic of Bosnia and Herzegovina is recognized within its current borders by those who purport to support the plan;

(c) The Serbian/Montenegrin authorities must agree to cooperate with the International Tribunal for the Prosecution of Persons responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and to deliver wanted suspects. Because Serbian/Montenegrin authorities have indicated that they will not deliver to and cooperate with the International Tribunal, and because sanctions are the major tool for compelling compliance with the Tribunal, it is inconsistent to consider altering the sanctions' regime against Serbia/Montenegro without giving due consideration to the potential for soon thereafter enhancing sanctions in the event of Serbian/Montenegrin non-cooperation with the Tribunal.

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative